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Situation of human rights in Belarus*

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in Belarus, Miklós Haraszti, submitted in accordance with Human Rights Council resolution 29/17.

* The present report was submitted after the deadline to take into account the parliamentary elections held in Belarus on 11 September 2016.



Report of the Special Rapporteur on the situation of human rights in Belarus

Summary

The present report is submitted by the Special Rapporteur on the situation of human rights in Belarus in accordance with Human Rights Council resolution 29/17.

The Special Rapporteur focuses on human rights in electoral processes in Belarus, especially in the context of the parliamentary elections held on 11 September 2016. He explores the patterns of purposeful and systemic human rights violations that had led to Belarus being the only country in Europe in the past decade that had no opposition members elected to its parliament. He analyses why the elections held in September have not brought improvements in the underlying oppressive governance of human rights and the Government's full control over the election outcomes, despite the admittance to the parliament of two government-independent candidates.

The Special Rapporteur concludes that the environment in which elections are held in Belarus remains non-compliant with the international human rights standards recognized by Belarus. His findings underline the deprivation of a real space for citizens to express concerns in a system that has locked out from the public debate any divergent views. Respect for the freedoms of expression, association and assembly continues to be deliberately ignored, making it inappropriate to assess the election as being fair or transparent.

The absence of a set of norms and procedures surrounding elections that is compatible with human rights, the lack of restraining elements in the exercise of power by the executive branch and a both de jure and de facto ineffective parliament in Belarus show that, while regularly held, elections have become mere symbolic reinstating ceremonies of the incumbent authority with no chance for the will of voters to transpire.

The Special Rapporteur therefore makes recommendations to improve the human rights situation in Belarus in line with the country's international obligations.

I. Introduction

A. Background

1. The mandate of the Special Rapporteur on the situation of human rights in Belarus was established by the Human Rights Council in its resolution 20/13 in response to the wave of mass arrests and the crackdown by law enforcement officials in the aftermath of the presidential elections of 2010. The Special Rapporteur assumed his functions on 1 November 2012. On 1 July 2016, in its resolution 32/26, the Council extended the mandate for one year.

2. In his most recent report to the Human Rights Council (A/HRC/32/48), the Special Rapporteur described the dismal situation of human rights in Belarus, highlighting the absence of substantive change in the enshrined system of oppression of human rights.

3. The Special Rapporteur welcomed the release of six political prisoners (*ibid.*, para. 4). However, those released have yet to have their civil and political rights reinstated. Consequently, most released political detainees, among them several former presidential and parliamentary candidates, were unable to run for office in the presidential election of 2015 and the legislative election of 2016.

4. In his previous report to the General Assembly (A/68/276), the Special Rapporteur gave an overview of the various elections and referendums held since 1991, when Belarus became an independent State. Since the issuance of that report, parliamentary elections have been held in September 2012, local elections in 2014 and a presidential election in October 2015. While the mandate of the Special Rapporteur does not entail the observation, *per se*, of elections in Belarus, it is the prerogative of the Special Rapporteur to assess whether the electoral process and its environment in Belarus are compatible with international human rights standards recognized by Belarus.

5. The Special Rapporteur notes that the presidential election of October 2015 was assessed by the Organization for Security and Cooperation in Europe (OSCE) as being not more open or fair than the election held in 2010. However, no violence was attested during the most recent presidential election, held in October 2015. The same holds true for the parliamentary elections held in September 2016.

6. The welcome, violence-free character of the elections held in 2015 and 2016, however, leaves the Special Rapporteur concerned that the absence of aggression by law enforcement bodies may testify to a more elaborated system of fear of manifestations of collective disappointment over the fully controlled character of the elections. The international observation mission reports of the OSCE Office for Democratic Institutions and Human Rights reveal the both legally and practically deficient character of these elections, showing no substantial variance compared with the quality of the election held in 2010, except that it was infamously marred by violence by law enforcement bodies against election-related protests.

7. The Special Rapporteur credits two basic reasons for the difference in the level of protests and the ensuing violence by law enforcement bodies between the elections held in the past two years, on the one hand, and the vote in 2010, on the other.

8. First, the entrenched, decades-long non-existence of collective vectors of expression of legitimate concerns within society, including in the economic and social areas, explains the apathy of the citizens in the face of the lack of advancement of human rights. Most citizens remain employed by the State apparatus or State-owned companies that are under the single-handed ultimate command of the sitting President of the past decades.

9. The other reason lies in the horrifying effect of the rise in the level of violent civil and international clashes in neighbouring Ukraine since 2014. An unending endangerment of lives, goods and territorial integrity in that fellow post-Soviet country are interpreted by the government media, which is the dominant source of information for the citizens of Belarus, as a direct result of the protests that preceded the changes in Ukraine. Thus, the fear of similarly developing international consequences also had a restraining effect on the free manifestation of citizens' views regarding Belarusian public issues.

10. Another improvement compared with several previous legislative elections in Belarus was the admittance to the parliament of two candidates with programmes that were critical of the incumbent administration: Hanna Kanopatskaya, of the United Civil Party, and the Deputy Chair of the Belarusian Language Society, Alena Anisim. The concession is the first in two decades, during which Belarus lacked any modicum of political variety in the parliament.

11. Analysts both worldwide and in the country explain the concessions as brought about by the need for the Government of Belarus to demonstrate change vis-à-vis some of its foreign policy partners that had long voiced their expectations of an opening in pluralism.

12. Nevertheless, even the welcome entry to the parliament of one opposition party member and one independent cultural activist demonstrated the unchanged, fully guided character of the electoral process. In the Special Rapporteur's view, while it was a gesture towards foreign policy partners, the manner of admittance of the two token opposition members served to prove to the national scene that the central command over election results had not been modified. The move was also aimed at sowing discord among opposition parties.

13. In his most recent report to the Human Rights Council (A/HRC/32/48), the Special Rapporteur noted that the elections of the 110 members of the House of Representatives, then scheduled to be held on 11 September 2016, should be seen as a benchmark for any progress with regard to civil and political rights in Belarus.

14. Indeed, the penchant of the population for stability, and the resulting protest-free and peaceful conduct of the elections in 2016, did provide the opportunity for the authorities to demonstrate their political engagement and support for a more open society at large, and for an advancement of human rights within the State. However, a lack of political will by the Administration to make progressive use of its absolute authority proved to block any reform or transition towards improved governance with regard to the rule of law.

15. No progress was made towards any of the benchmark components of free and fair elections: equal access to the media at the service of the contestants, a verifiable turnout, an honest vote count and a pluralistic parliament representing the will of the voters, as opposed to merely promoting the designs of the incumbent State apparatus.

B. Methodology

16. In the conduct of his work, the Special Rapporteur endeavours to collect as much information as possible from various sources, which include the authorities of Belarus, civil society actors inside and outside Belarus, international and regional human rights mechanisms, the diplomatic community and any other partner who can contribute to a better understanding of the situation on the ground.

17. The Special Rapporteur regrets that the Government does not cooperate with the mandate holder. His letters of requests to visit the country have remained unanswered. He again reiterates his readiness to engage, even gradually, with the Government, beginning with issues that both acknowledge as human rights concerns.

18. Given that the present report is focused on the situation of human rights in the context of the parliamentary elections of September 2016, the Special Rapporteur relied on the objective information available, chiefly from the official data, the reports of the OSCE Office for Democratic Institutions and Human Rights and the United Nations human rights mechanisms, including the Working Group on the Universal Periodic Review.

19. Before going into the details of the situation of human rights in the context of elections however, the Special Rapporteur highlights the role of the parliament in a democracy, given that elections count as the most important constitutive acts towards that basic institution of people's representative self-government. There is therefore a need to briefly recall the added value of a pluralistic parliament from a human rights perspective, as well as its founding grounds.

II. Role of the parliament in a democracy

20. According to article 25 of the International Covenant on Civil and Political Rights, "every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) to take part in the conduct of public affairs, directly or through freely chosen representatives". The involvement of every citizen in the conduct of public affairs is broader than simply participating in elections. The State therefore has a positive obligation to ensure that citizens are provided with opportunities to express their views when they are not pleased with the conduct of public affairs. The obligation cannot be read solely as to the provision of means to support only the conduct of public affairs by the executive branch. Applied to the functioning of the parliament, the obligation takes the form of the necessary representation of diverging views within the chamber and the obligation to ensure respect for their expression.

21. A parliament is the cornerstone of any democratic system. It is where the various constituencies of society gather to exchange, confront and adjust views on the common good and ultimately shape the rules for a common destiny on the basis of a variety of inputs. Even in a changing world where citizens' expressions of interest may take different forms, chiefly through social media, parliaments are the weavers of the basic social fabric: law.

22. Traditionally, it is accepted that parliaments have the following functions: to produce law, to vote on budgets, to exercise oversight over the executive branch and

to represent the nation. Parliaments also have other roles deriving from these functions, such as advancing good governance, ensuring the rule of law and protecting and promoting human rights by adopting laws that conform to international human rights standards.

23. To fulfil these tasks, parliaments need to be inclusive, accountable and effective. A parliament needs to reflect the variety of opinions, and, to the extent possible, no one should feel that their ideas are not taken into account in debates. It therefore requires the presence of a plurality of views and opinions, expressed through freely formed and registered political parties. Accountability for a parliament means that the citizens may be able to change the political composition of their legislative body by dismissing members at regular terms — through elections — if they did not fulfil their mission as promised. A parliament should be able to discharge its functions in a way that it may be able to contribute to the legal framework, possible divergent views from the executive branch notwithstanding.

24. Experience shows that the double goal of accountability and governability of a democracy is best served with a representative process of law-making as opposed to direct democracy alone. A parliament therefore must be composed of members who bring to it the various aspirations of the people who elect them. Given that those aspirations are necessarily not only varied, but also changing, the system of representation should allow such a variety of opinions to be represented, through a pluralistic system of political parties, so as to avoid a disconnect between the aspirations and the legal corpus adopted, with the consequence of frustration being fuelled within certain parts of society.

25. The electoral system leading to the composition of a parliament is one of the many elements that can ensure the reality of its democratic nature. The overall environment in which the parliament operates (the balance between the various branches as described in a constitution) and the legal framework governing the rights and freedoms of the citizens have an influence on the way in which the parliament discharges its functions.

26. An equally constitutive part of a parliamentary, representative, elective democracy is what could be called "the parliament of opinion", that is, multi-centred, demonopolized, competitively pluralistic media outside of the reach of the political parliament. The media should be enabled to freely reflect — and freely shape, in a demonopolized way — the ever-changing views of the public. It is sometimes difficult to make it accepted by lawmakers that the democratic function of the media entails the power to scrutinize the activities of the legislature, and that relationship must not be mechanically mutual. In a working democracy, to guarantee the open-ended character of the political process, the legal parliament should never be allowed to define the "parliament of opinion", not even to coerce the media to replicate the political proportions of the acting legal parliament.

27. Parliaments have a critical role to play in promoting democracy, good governance and human rights and not only by ratifying international treaties. Human rights may be under threat from the executive branch or may need to be translated into new norms. Parliaments should, for example, revise laws that contain discriminatory provisions or any provision that does not comply with international human rights standards. Parliaments are therefore encouraged to participate in the universal periodic review process, notably through joint efforts by the Office of the

United Nations High Commissioner for Human Rights and the Inter-Parliamentary Union (see A/70/917, para. 40).

28. The Special Rapporteur underlines that the parliament of Belarus has in the past decades consisted solely of pro-government members. Even in the wake of the elections of 2016, it remained 97 per cent composed of admittedly pro-government members. In addition, the parliament has adopted only a handful of laws in years, and those were conceived and formulated by the presidential Administration. The bulk of the national legal system consists of presidential decrees. The parliament of Belarus therefore may be described as non-pluralistic and non-effective.

III. Elections and human rights

29. In the present report, the Special Rapporteur focuses on human rights in the context of electoral processes in Belarus, with the parliamentary elections of 11 September 2016 in mind.

30. In all countries, participation in parliamentary elections is key to linking people's will to the conduct of affairs in all spheres by the Government. The Universal Declaration of Human Rights states that "the will of the people shall be the basis of the authority of government" (art. 21 (3)). Article 25 (b) of the International Covenant on Civil and Political Rights reiterates the overarching importance of genuine periodic elections "guaranteeing the free expression of the will of the electors".

31. The conduct of free and fair elections, through processes that respect all human rights for all, is a fundamental component of political systems that respect human rights. It is within this nourishing environment that societies can live and develop without the fear of the arbitrary wielding of executive or economic power.

32. The respect for human rights when passing and applying laws is what can actually be called the "rule of law", as opposed to "rule by law". Many factors contribute to the reality of elections being respectful of human rights and actually promoting them ipso facto.

33. All citizens of voting age should be able to participate in elections and run for election, regardless of their status, social origin, gender or physical condition. Authorities should ensure that citizens have, and the media are able to offer, pluralistic access to information about candidates and political profiles. Freedom of peaceful assembly and association is needed to ensure that citizens are free to attempt, publicly and collectively, to convince others to change their opinion. Non-discriminative campaign regulations, election administration and polling equipped by independent and impartial commissions and the free movement of national and international observers are necessary to safeguard the right of any citizen to stand for election or vote without being subordinated to any "unreasonable restrictions" (art. 25 of the International Covenant on Civil and Political Rights) and without fearing retaliation for doing so. A fearless election atmosphere also depends on the availability of an effective and independent system of appeals and remedy, capable of democratically solving disputes that arise in the context of elections.

34. All the rights and freedoms mentioned above may encounter restrictions as long as those restrictions do not affect the essence of the right. The Human Rights

Committee has stated that "the relation between right and restriction and between norm and exception must not be reversed".¹

35. The Special Rapporteur recalls that five presidential elections (1994, 2001, 2006, 2010 and 2015), five parliamentary elections (1995, 2000, 2004, 2008 and 2012) and six local elections (1995, 1999, 2003, 2007, 2010 and 2014) have been held in Belarus since 1991. Of those observed by the OSCE Office for Democratic Institutions and Human Rights, none was considered free and fair.²

36. That until the parliamentary elections of 2016, none of the 110 seats had gone to any opposition candidates, while in the elections of 2016 only two of them did, is a quite direct consequence of the overall human rights context surrounding elections in Belarus. The Special Rapporteur recalls that Belarus today practically still remains the only State in Europe with a parliament without an opposition force. This has invariably been the case since 2004, whether the opposition did or did not boycott the elections.

37. Overall, despite the number of parties registered (15), the party system is weak.³ That no new party has been registered since 2000, the repeated requests for registration by several parties notwithstanding, shows the artificially frozen pattern of political life in Belarus.

38. While the Special Rapporteur welcomed the release of six political prisoners before the presidential election of October 2015, the move did not mark any substantial progress for political rights in Belarus, given that those opponents cannot run for election, their civil and political rights not having been restored.

39. The magnitude of the repression of peaceful demonstrations that followed the presidential election of 2010 characterized an overall system of oppression of the human rights of the entire Belarusian society, the toolkit for which has been gradually developed over the past six years, as described by the Special Rapporteur in all his reports. It is the view of the Special Rapporteur that the main aim of the Government with regard to civil and political rights after 2010 has been to avoid any credible contest able to shape the results of any future election. The analysis of both the legal framework and the practices of the State shows the extent to which the executive power has locked out both individual and collective attempts to channel the opinions of citizens into a direction different to that of the President.

40. In his previous report to the General Assembly (A/68/276), the Special Rapporteur had suggested that his report should be read in conjunction with the report to the Assembly of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/68/299), which addressed those freedoms in the context of elections. The two reports, being submitted at the same time to the Assembly, underscored that it was important for States to uphold their obligations to promote and protect those freedoms in general and in particular during electoral processes. The Special Rapporteur regrets that the shortcomings highlighted by his fellow Special Rapporteur remain major obstacles to the electoral process in Belarus being assessed as respectful of human rights.

¹ See Human Rights Committee, general comment No. 34 (2011) on freedoms of opinion and expression (article 19 of the International Covenant on Civil and Political Rights), para. 21.

² OSCE did not monitor local elections in Belarus.

³ OSCE Office for Democratic Institutions and Human Rights needs assessment mission report, presidential election of 11 October 2015.

IV. Legal framework

41. The Electoral Code was adopted on 11 February 2000 and subsequently amended in 2000, 2003, 2006, 2010, 2011, 2013 and 2014. OSCE noted that the most recent amendments of 2013 and 2014 did not address the key recommendations that the Office for Democratic Institutions and Human Rights had made,⁴ leading the latter to make additional recommendations for future amendments, in general terms on a "comprehensive legal reform", and on specific aspects such as the inclusion of "procedural safeguards that ensure integrity and transparency of all stages of the electoral process".

42. As described by the OSCE Office for Democratic Institutions and Human Rights and the Special Rapporteur, in his previous report to the General Assembly (A/68/276), the Electoral Code and other relevant legislation contain limitations to the rights and practices essential for a conduct of elections that would be respectful of human rights. The level of detailed and elaborated restrictions of the right to be elected, to vote freely, to the freedoms of expression, opinion, peaceful assembly and association and to an effective remedy, fair trial and due process, and the lack of substantive changes in the legal framework despite numerous recommendations by various mechanisms shows the executive branch as persistently ignoring the rights without which no legal environment can be conducive to the freedom and fairness of elections.

43. The Special Rapporteur recalls that the current legislation could easily be amended to allow for free and fair elections. He is aware of the establishment, on 12 February 2016, of an interdepartmental expert group on the recommendations made by the OSCE Office for Democratic Institutions and Human Rights on measures to improve the electoral process. According to the Office, the expert group made recommendations to the Central Election Commission, which adopted two of them (albeit none with legal force). One was allowing, but not requiring, the publication on the Internet of information about the sessions of election commissions and decisions on electoral disputes, as well as the rights of observers.⁵ It is the understanding of the Special Rapporteur, however, that the Commission will look at possible changes to the Electoral Code only after the parliamentary elections of September 2016 have been held. Complying with the OSCE recommendations and other human rights-related recommendations therefore remained a missed opportunity to demonstrate political engagement for significant change before the elections of 2016. The Special Rapporteur is equally concerned that civil society was represented in the working group in a token way only. Nevertheless, the process demonstrated that it is technically viable to embark on reform, if the political will exists to go down the path.

44. The still-unaddressed recommendations made after the parliamentary elections of 2012 both by international observers such as the OSCE Office for Democratic Institutions and Human Rights and in reports by the Special Rapporteur, contain two

⁴ OSCE Office for Democratic Institutions and Human Rights election observation mission, final report on the presidential election of 11 October 2015 in Belarus, available from www.osce.org/odihr/elections/belarus/218981.

⁵ OSCE Office for Democratic Institutions and Human Rights election observation mission, parliamentary elections in Belarus, interim report, 2-26 August 2016, available from <http://www.osce.org/odihr/elections/belarus/261741>.

items of paramount importance. One is to guarantee the independence of election commissions, including through pluralistic composition; the other is to accomplish a transparent vote count, including a detailed procedure for full and open observation by election commission members and other stakeholders.

45. The Special Rapporteur is concerned that the assured goodwill of the authorities to address human rights issues highlighted by international human rights bodies and mechanisms is not accompanied by genuine, even if gradual, changes in the reality of political life in Belarus. In fact, a number of legislative acts or presidential decrees that do not directly address the electoral process do relate to it. In particular, the Special Rapporteur notes that the denials of registration of political parties have continued since the adoption of amendments to the Law on Public Associations on 20 February 2014. Political parties, as any other association, must be registered through the "permission-based" regime (see sect. V.B below on freedom of association), which in fact can be used to deny legality to any entity that could express opinions critical of the Administration. Another example is the adoption of presidential decree No. 5 of 31 August 2015, which prohibits the use of foreign funds by public associations for a number of purposes, including elections. Similarly, the Law on Mass Events, adopted in 2014, imposed unreasonable limits on the right of assembly.

46. The combination of an electoral code that is not respectful of human rights with an overall legal framework that is not conducive to free expression and free association makes it virtually impossible for any dissenting views to be expressed and therefore reflected in the parliament. The arbitrary picking of token oppositionists to enter the parliament, as in the elections of 2016, will not rein in the vast extent of the discretionary powers of the executive branch, allowing it not to register political parties or to deregister them. The way forward will be to fortify the basic requirements of the rule of law in Belarus.

V. Human rights and the rule of law in electoral processes

A. Freedom of opinion and expression and freedom of the media

47. The full enjoyment of the right to freedom of opinion and expression should underpin any electoral process, before, during and after the conduct of elections. The Human Rights Committee underlined that "voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind".⁶ Articles 33 and 34 of the Constitution provide such guarantees, with article 33 stating that "no monopolization of the mass media ... and no censorship shall be permitted".

48. The Special Rapporteur recalls that Belarus is the only European country without privately owned broadcast media with full-country coverage. Printed private media must go through the permission-based registration process, and thereafter the State-run system of distribution.

⁶ Human Rights Committee, general comment No. 25 (1996) on the right to participate in public affairs, voting rights and the right of equal access to public service (article 25 of the International Covenant on Civil and Political Rights), para. 19.

49. The fully government-dependent status of all media outlets has persisted for decades, and the authorities did not license or register any new nationwide public journalism outlet before or during the elections of 2016. In addition, amendments made to the Law on Mass Media in July 2015 imposed a registration procedure with the Ministry of Information for any individual or entity distributing print media. As a result, it is estimated that only 30 mass media outlets in Belarus cover sociopolitical issues, and about a dozen of them have been eliminated from the State-run networks of distribution.⁷

50. Article 5 of the Constitution stipulates that political parties and other public associations are to have the right to use the State mass media under the procedure determined by the law. In the major broadcast media during the presidential elections in 2015, however, the incumbent received 48 per cent of the media coverage, while competitors received only fractions of such coverage, the maximum being 8 per cent for Ms. Korotkevich.⁸ The OSCE Office for Democratic Institutions and Human Rights reported in detail on the unbalanced use of State media in favour of the President. In parallel, the privately owned news agency BelaPAN was not accessible from 3 to 5 October 2015, allegedly owing to cyberattacks. The rhetoric of the President-candidate was recycled through the State media during the campaign, thus distorting what otherwise should have been neutral language. The OSCE Representative on Freedom of the Media also expressed concern at harassment of journalists, noting a "destructive trend".⁹

51. Media access further deteriorated during the campaign of 2016. All independent monitors, as well as the intergovernmental standard-bearer OSCE Office for Democratic Institutions and Human Rights, found that news programmes on State-owned media were focused largely on the activities of the President and other State officials, as well as political statements by the Chair of the Central Election Commission. Coverage of candidates' campaign activities, meanwhile, was virtually absent and largely limited to short pre-recorded speeches.¹⁰ It was stated in the report of the OSCE Office that such media coverage of the campaign had "narrowed the opportunity for voters to effectively receive candidate information".

52. The Special Rapporteur is very concerned at the climate of fear and intimidation that has prevailed since the crackdown of 2010 within the journalist community.

53. In particular, the legal provisions on the protection of the "reputation of the Republic" restrict free debate. Article 369-1 of the Criminal Code makes it a criminal offence to discredit Belarus by giving international organizations "false information" on the situation in the country or the legal status of its citizens.

54. Several restrictions on communications at election time are designed to protect officials. In its resolution 22/6, the Human Rights Council unanimously called upon

⁷ According to the Chair of the Belarusian Association of Journalists, Andrei Bastunets. See <http://spring96.org/en/news/83714>.

⁸ See footnote 4 above.

⁹ Press release dated 3 April 2015, available from www.osce.org/fom/150011.

¹⁰ State television channels dedicated 83 per cent of their news coverage to the President and government officials, 16 per cent to the Central Election Commission and 1 per cent to all the candidates together. Statement of preliminary findings and conclusions on the parliamentary elections in Belarus, 11 September 2016, available from www.osce.org/odihr/elections/belarus/257436.

States to ensure that legal provisions did not prevent public officials from being held accountable. In Belarus, article 47 of the Electoral Code prohibits campaign materials from containing "insults or slander in relation to official persons of the Republic of Belarus and other candidates". A competing candidate found in violation of this provision can have his or her registration cancelled. The European Commission for Democracy through Law noted that in Belarus the protection of the reputation or rights of others was used to "limit, diminish, or suppress a person's right to free political expression and speech".¹¹

55. The rules on accreditation demand that foreign journalists be accredited in a permission-based regime by the Government, which is also entitled to deny the accreditation of Belarusian journalists working for foreign outlets or for Belarusian media based abroad. Such legal requirements are described by the OSCE Office for Democratic Institutions and Human Rights as constituting "disproportionate and unreasonable restrictions on the freedom of expression and the right to disseminate information".

56. The amendments made to the Law on Mass Media in 2014 have also brought restrictions to the use of the Internet by the media. If an online media outlet (the owners of which are responsible for the content of but also comments on articles published) is suspected of diffusing information (including reports) relating to criminal offences or considered harmful to the interests of the country, the Ministry of Information is entitled to restrict the access to the website at issue. That the "interests of Belarus" are not defined makes it possible to block any content that does not go along with the interests of the executive branch. Furthermore, the absence of a requirement to have a court decision is another sign of the lack of rule of law in Belarus, leaving to the Government the arbitrary decision to disconnect any website of its choice. Self-censorship by online media writers or bloggers can therefore be considered as a way of surviving in such an environment.

57. In a recent report, Amnesty International describes in detail the system of surveillance in place in Belarus. According to the findings of the non-governmental organization, "the use of surveillance of mobile phone and Internet data to track the identities of protestors and to prosecute opposition political leaders and others was a significant feature of the (2010) crackdown".¹² The Special Rapporteur received similar accounts that show that the fear of communicating inhibits communication itself, including through the Internet or mobile phones, especially in the case of those who wish to express or exchange dissenting views. The level of sophistication, including technological, with which the State apparatus intrudes in the private sphere of people makes it impossible for freedom of expression to be real in Belarus.

58. Numerous cases of restriction of public discussion of issues raised in the candidates' short, pre-recorded television appeals have been brought to the attention of the Special Rapporteur. For example, the State television channels did not broadcast some of the appeals. Regional newspapers rejected the anti-nuclear

¹¹ OSCE Office for Democratic Institutions and Human Rights and European Commission for Democracy through Law, joint opinion on the electoral legislation of the Republic of Belarus, 2006. Available from www.osce.org/odihr/elections/belarus/25360, para. 67.

¹² See www.amnesty.org/en/latest/campaigns/2016/07/how-fear-of-surveillance-is-forcing-activists-to-hide-from-public-life-in-belarus/.

programme of the United Civil Party candidate, Nikolay Ulasevich,¹³ and his appeal was not broadcast either.¹⁴ The programme of the United Civil Party member, Yuriy Haschevatskiy, which mentioned “20 years of authoritarian rule,” was rejected by the *Vecherniy Minsk* newspaper.¹⁵

59. Non-standard or citizen-initiated election information is regularly suppressed. This was the gist of the case of the activist, Grigoriy Grik, who was banned from displaying information on the right of citizens to participate in elections on a voluntary basis, while coerced voting — a regular occurrence during the four-day so-called “early voting” — is illegal and against the Constitution.¹⁶

60. Opposition candidates continue to be banned from publicly considering a boycott of an election. The Human Rights Committee considered that advocating non-cooperation with an electoral exercise must be allowed for any person (see CCPR/C/81/D/927/2000).

61. The Special Rapporteur noted the call issued by the leaders of seven opposition groups not to participate in the parliamentary elections of September 2016.¹⁷ The Special Rapporteur deplores that the overall climate of intimidation, denounced by the opposition leaders, leads to the blockade of the electoral process and impedes any progress or transition towards more respect for fundamental rights and freedoms in Belarus.

62. The Special Rapporteur is concerned that the legal provisions in force in Belarus not only do not correspond to basic standards of free circulation of ideas in the context of elections, but also are designed precisely to control the content of what citizens may hear or say. The impact on the freedom of thought on freedom and fairness of elections in Belarus should not be underestimated.

B. Freedom of association

63. A true and vivid democracy cannot be nourished without the full respect of the right to freedom of association. According to the Human Rights Committee,¹⁸ article 25 of the International Covenant on Civil and Political Rights entails that “citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves”. Such capacity cannot be effective without the full exercise of the freedoms of expression, assembly and association.¹⁹ Citizens should therefore be able to found and participate in political parties freely, to contribute to the progress of their society. In an effective democracy, political parties, consequently, should be free to present candidates at elections.

64. In Belarus, as noted by the Special Rapporteur in all his reports, the limits of freedom of association are grounded in numerous provisions of the criminal and

¹³ See <http://naviny.by/new/20160820/1471701680-nikolayu-ulasevichu-otkazali-v-publikacii-predvybornoy-programmy>.

¹⁴ See <https://belapan.com/archive/2016/08/25/861712/>.

¹⁵ See <http://nn.by/?c=ar&i=175860>.

¹⁶ See <http://spring96.org/en/news/83768>.

¹⁷ See <https://charter97.org/en/news/2016/7/14/213478>.

¹⁸ Human Rights Committee, general comment No. 25, para. 8.

¹⁹ *Ibid.*, para. 12.

administrative codes. In addition to restrictive laws, the application of the latter by the State has made it practically impossible since 2000 to register a political party and, consequently, to operate it freely.

65. Article 193-1 of the Criminal Code, which criminalizes any activity not authorized by the State, and article 15 of the Law on Associations, which states that registration can be refused in cases of violation of the registration formalities, are not compatible with international standards and have repeatedly been assessed as such by the Special Rapporteur and by numerous human rights mechanisms. In practical terms, citizens who wish to establish political parties or associations must go through an administrative ordeal that has been designed to discourage them.

66. The Special Rapporteur once again urges the authorities to support and encourage national non-governmental organizations that carry out electoral monitoring and voter education, which are essential for free and fair elections.

C. Political parties

67. Political parties and membership in parties play a significant role in the conduct of public affairs and the election process.²⁰

68. The Special Rapporteur refers to his previous report to the General Assembly (A/68/276), which contains a detailed section (paras. 56-61) on political parties in Belarus, and especially on the regulations that restrict the creation of political parties. These curtailments exist despite articles 4 and 5 of the Constitution, which imply the right of people to create political parties and be united in these parties without any compulsory membership, and articles 2 and 4 of the Law on Political Parties, which reaffirm the right to form political parties on the basis of freedom of association, democracy, rule of law, transparency, self-governance and the equality of all political parties and unions.

69. In particular, rules regulating financial aid to parties are overly restrictive and abuse the correct principle of transparency. Article 23.24 of the Code on Administrative Offences prohibits receiving, as well as storing and transferring, "gratuitous" foreign aid. The Code also bans foreign funding for a number of activities that are relevant for political parties, such as the preparation and conduct of elections, organization or conduct of meetings, street processions, demonstrations, picketing, strikes, production or distribution of agitation materials, conduct of seminars or any other type of political and mass agitation work with the population.

70. With such provisions, a political party can be practically deprived of any funding from abroad for any activity that is natural to its life, thus jeopardizing its mere existence as a political force.

71. There are still 15 registered political parties in Belarus, but the fact that no new political party was created during the past 16 years raises concerns regarding the adequacy of the political system for the current social and political needs of the citizens. To be able to still exist and advance their ideas, political associations

²⁰ Ibid., para. 26.

register as non-governmental associations, rather than parties, with the consequence that they cannot present candidates.²¹

72. The Special Rapporteur underlines the particularly difficult legal and practical environment for new concepts to emerge and be shaped in an adequate form to contribute to the political debate. As new generations are growing up without any experience in a pluralistic political culture, the sustained high level of State control over peaceful political aspirations may have gradually undermined the natural need to be confronted with different ideas.

D. Candidacy

73. The condition that the district electoral commissions in the elections of 2016 continued to have only a handful of opposition-delegated members nationwide and retained wide discretionary powers in registering candidates gave rise to the inconsistent application of the law and unequal treatment of candidates.²² Signature verification could not be challenged by the candidates, and citizen observers were not allowed to observe it. The selective and arbitrary decisions and the insufficient transparency are directly related to the level of the rule of law in Belarus and pose barriers to candidacy, thus contravening paragraphs 7.5 and 24 of the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe, as well as paragraph 15 of general comment No. 25 of the Human Rights Committee, in which it is stated that "any restrictions on the right to stand for election ... must be justifiable on objective and reasonable criteria".

E. Freedom of peaceful assembly

74. The freedom of peaceful assembly should be looked at in conjunction with the freedom of association in the context of elections. Political parties and associations should be able to conduct free campaigns and meetings, advocating their ideas and asking to take part in the public debate, in a peaceful manner. They should be able to reach out to others, just as citizens should feel free and secure to participate in such public gatherings. According to international human rights standards, the exercise of the right to freedom of assembly should not be subject to previous authorization; at most it should be subject to a prior notification procedure only for large assemblies or for assemblies where some degree of disruption is anticipated (see A/HRC/23/39, para. 52).

75. In a positive development during the elections of 2016, the instruction by the Central Election Commission for a more permissive allocation of public venues was followed by many local authorities.²³ In addition, more places for candidates to meet voters were authorized for the parliamentary elections of September 2016 compared

²¹ Amnesty International, "What is not permitted is prohibited: silencing civil society in Belarus" (London, 2013), p. 6. Available from www.amnesty.nl/sites/default/files/public/belarus_eur490022013.pdf.

²² See statement of preliminary findings and conclusions on the parliamentary elections in Belarus, 11 September 2016, available from www.osce.org/odihr/elections/belarus/257436.

²³ Ibid.

with the previous round. This is an improvement compared also with the presidential elections of October 2015.

76. Nevertheless, the authorized political parties could still not conduct gatherings freely, given that they first had to obtain permission from the local authorities, which designated locations for campaign events and for the display of campaign materials. Similarly to the association registration procedure, the authorization for public gatherings is cumbersome and discouraging and amounts to systemic harassment.

77. Article 193.1 of the Criminal Code continues to be applied to unauthorized gatherings, in a denial of the standard that the freedom of peaceful assembly should entail the right to participate freely in a peaceful assembly. In his most recent report to the Human Rights Council (A/HRC/32/48), the Special Rapporteur reported on the apparent change in the State's practice in implementing the still-valid punitive rules on participation in unauthorized public gatherings, which apply in Belarus regardless of whether the gathering was peaceful. Reports appear to indicate that such participation now leads to heavy fines rather than instant detention and incarceration. The Special Rapporteur also reported on recent cases from January 2016.

78. This practice was followed, for example, during the rally called by the opposition leader, Mikalai Statkevich, in Minsk on 12 September 2016, on the day following the elections. Law enforcement officers made participants produce their identity documents and registered their identities for later administrative procedures, as a rule leading to fines.

79. The Special Rapporteur reiterates the ongoing validity of several provisions that inhibit the right to freedom of peaceful assembly, notwithstanding an instructed lack of on-the-spot confrontation by the authorities.

80. Articles 5 and 6 of the Law on Mass Events establish excessive requirements on organizers in the process of authorization of assemblies. They must indicate in their application measures for securing public order and safety, the provision of medical services and the cleaning of the space, again in violation of international human rights norms and standards (see A/HRC/20/27, para. 31, and A/HRC/23/39, para. 57). The law does not include provisions as to what specific measures would satisfy such requirements.

81. Article 15 of the same law provides for the immediate liquidation of any organization that fails to abide by the vague notions contained in the legislation on assembly, including the violation of "the legal interests of citizens, organizations, or State or public interest".

82. Article 293 of the Criminal Code criminalizes organizers of and participants in mass disorder that results in "arson, violence against persons, pogroms, destruction of property, and armed resistance to authorities". In the aftermath of the presidential elections in December 2010, a number of people were prosecuted on the basis of this article and article 342 of the Criminal Code, which imposes sanctions for "serious breach of public order".

83. Not only restrictive by nature, the Law on Mass Events also contradicts the Electoral Code. The Human Rights Committee noted that limiting pickets to certain predetermined locations, regardless of the kind of manifestation or the number of

participants, raised doubts as to the necessity of such regulation under the obligation of Belarus to ensure the right to freedom of expression for all (see, e.g., CCPR/C/105/D/1867/2009). Furthermore, imposing penalties for "participation in an unauthorized meeting" restricts the freedom of peaceful assembly and the right to impart information (see, e.g., CCPR/C/85/D/1022/2001, para. 7.2, and CCPR/C/101/D/1604/2007, para. 10.4).

84. The Special Rapporteur is concerned that these restrictions severely curtail the right to freedom of peaceful assembly ahead of or during future elections. In any country, on election night spontaneous assemblies can happen; such restrictive measures make it impossible for the authorities to maintain public order without using excessive force and arresting people. The Special Rapporteur urges the authorities to take measures to facilitate and protect such assemblies.

F. Arbitrary arrest and detention and enforced disappearances

85. In a welcome development, the mass arrests that had taken place after the presidential election of 2010 and that prompted the international community to react by creating the mandate of the Special Rapporteur did not occur before, during or after the elections of 2015 and 2016. The Special Rapporteur notes, however, the persistence of a system of short-term arrests and detentions, on highly disputable grounds, of political opponents and activists as a method of harassment and intimidation, as also underlined by the OSCE Office for Democratic Institutions and Human Rights.²⁴

86. A number of recent cases have taken place in 2016, as reported by the Special Rapporteur (see A/HRC/32/48, paras. 93, 94 and 96). Some of them have produced incarcerations that can correctly be classified as imprisonment on political grounds.

87. In particular, the Special Rapporteur is concerned at the arrest, on 14 July 2016, of Uladzimir Kondrus, who was charged with participating in the events that took place at the Government House on 19 December 2010. The Special Rapporteur shares the opinion expressed by Belarusian human rights organizations that declared Mr. Kondrus a political prisoner.²⁵

88. Recently, on 29 July 2016, the Deputy Chair of the "For Freedom" movement, Ales Logvinets, received an official warning from the district election commission. The warning was issued for having organized a signature collection picket that was reportedly attended by more than 1,500 people. The week before, the Chair of the Central Election Commission, Lidiya Yermoshina, had stated that that picket might be considered to be "untimely agitation". Mr. Logvinets was notified during the first week of August that, as a consequence of the warnings, he was not registered to run as a candidate. This testifies to the actions of the authorities to curtail the rights of political leaders to stand as candidates.

89. Arbitrary administrative and criminal detention are used not only against clearly identified political activists or members of political parties but also against ordinary participating individuals, which creates an atmosphere of fear among those

²⁴ See footnote 5 above.

²⁵ Human Rights Centre Viasna, "Human rights situation in Belarus, August 2016", available from <http://spring96.org/en/news/84740>.

who would like to support political parties, whether registered or not, or take part in events, regardless of whether these have received authorization.

90. The Special Rapporteur recalls that the outstanding cases of the enforced disappearance of political opponents of the President remain unsolved, since 1999 and 2000 (see AHRC/32/48, para. 92). The effect of these unresolved tragedies and human rights atrocities lingers on the minds of politically active citizens of Belarus in an unmeasurable but clearly weighty manner. The Special Rapporteur calls upon the Government of Belarus to conduct serious investigations into these cases and to bring the perpetrators to justice. In this regard, the Special Rapporteur deplores the recent judgment by the Appeal Court regarding the appeal made by the mother of the former Minister of the Interior, Yuri Zakharanka, who was disappeared in 1999, to have his death officially recognized.

G. Administration of the electoral process

91. Denials of the right to vote to certain categories of citizens challenge the principles of equality before the law, as well as the proportionality of otherwise legitimate restrictions. Those citizens who are in pretrial detention or serving a prison sentence cannot vote, regardless of the gravity of the offence. Similarly, people who have been declared mentally incompetent by a court cannot take part in elections.

92. The electoral process regarding the House of Representatives is governed by article 28 of the Electoral Code. The process is nationally supervised by the Central Election Commission, a permanent body, and at the local level by district election commissions and precinct election commissions, which are temporary bodies. These bodies are responsible for the overall organization of the election, the registration of candidates, the voting, the counting of votes and the announcement of the results at each polling station.

93. The OSCE Office for Democratic Institutions and Human Rights election observation mission stated that "the composition of election commissions was not pluralistic, which undermined confidence in their independence".²⁶

94. Belarus has thus far declined to reform the way in which the 12 members of the Central Election Commission are selected. Half of them, including the Chair, are designated by the President, and the other half by State bodies that ultimately are also made up according to the will of the President. The Special Rapporteur notes that the current Chair has held her position for 20 years. Representative pluralism and rotation, an essential prerequisite of an impartial conduct of the elections, is entirely missing at the level of this permanent body.

95. With regard to district and precinct election commissions, they are consistently dominated by nominees of the local executive committees, very often by senior officials of local administrations, thus circumventing the legal provision prohibiting heads of local executive and administrative bodies being members of election commissions. This makes the district and precinct election commissions composed of predominantly pro-government members.

²⁶ Press release dated 12 September 2016, available from www.osce.org/odihr/elections/belarus/263651.

96. Despite a somewhat changed order in which the members of the election commissions are voted in, the OSCE Office for Democratic Institutions and Human Rights noted the unchanged discretionary power of local authorities to nominate the commissioners, resulting in reality in a very limited participation of opposition groups in such commissions. The Office states that such a system of appointment leaves no room for independence and impartiality at the Central Election Commission.

97. Decree No. 18 of the Central Election Commission introduced on 8 June the concept of "political qualities" as part of the selection criteria. This has resulted in a further denial of participation of people other than pro-governmental personalities in the precinct election commissions. Responding to a query for clarifications by Human Rights Defenders for Free Elections, a coalition of independent observers, the Chair of the Commission responded that "political qualities" should be interpreted as the "political views, level of representation of public associations and political parties in the region, their recognisability and credibility among the population".²⁷ Most local administrations interpreted it as "support for government policies". This principle has further deprived the conduct of the electoral process of a representative character, its key element.

98. All in all, in the elections of 2016, of 65,856 individuals elected as commissioners, only 53 people belonged to opposition parties (0.08 per cent).²⁸ The Special Rapporteur notes that this figure is even less than in parliamentary elections of 2012, when 0.1 per cent of members of precinct election commissions belonged to opposition parties.

99. Notwithstanding the requirement (para. 3.9 of the guidelines for election commissions, issued by the Central Election Commission) that decisions on disputes should be posted on the websites of the relevant local executive committee and administrative body, no information was available in most cases. Similarly, only negligible data on appeals against such decisions were available through the Commission.

VI. Election observation

100. Article 13 of the Electoral Code provides for national and international observation of the election process. Accreditation of observers from public associations and political parties at the national level is delivered by the Central Election Commission, while accreditation of other observers at the local level is delivered by the district and precinct election commissions.

101. Representatives of public associations, political parties, citizens' groups, labour collectives and media outlets have the right to be accredited as domestic observers, to attend sessions of commissions with which they are registered, and to observe election day proceedings.

102. Fortunately, Decree No. 18 adopted by the Central Election Commission provided — for the first time — for the possibility for observers, both national and

²⁷ Human Rights Defenders for Free Elections, report on the formation of precinct election commissions, 31 July 2016, available from https://spring96.org/files/misc/report_pecs_en.pdf.

²⁸ Ibid.

international, attending the meetings of the executive committees and district administrations at the time of forming the precinct election commissions. However, that process is largely preordained, and the vote on the composition of the committees is a formality. In addition, the process of verification of signatures in favour of candidates is still closed to any external observer, leading to possible manipulation.

103. Another reported improvement consisted of issued decision by the Central Election Commission to allow observers to approach the vote-counting table, albeit not closer than 3 m, and only at the fourth side of the table.²⁹ The Special Rapporteur notes, however, that the observers are practically still not allowed to be present, or to be sufficiently close during key moments, such as the verification of signatures for candidate registration, or to review the list of voters, or to witness the vote count or to observe the transfer of results established by the precinct election commissions to the district election commissions. The lack of transparency leaves room for manipulations of results and other data and infringes paragraph 7.4 of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe.

104. As it did for the presidential election of 2010, the parliamentary elections of 2012 and the presidential election of 2015, Belarus invited the OSCE Office for Democratic Institutions and Human Rights and several other international observers to the vote in 2016. After the presidential election in 2010, the OSCE Office stated that Belarus had “a considerable way to go in meeting its OSCE commitments for democratic elections”.³⁰ In the parliamentary elections in 2012, the mission found that many OSCE commitments, including citizens’ rights to associate, to stand as candidates and to express themselves freely, had not been respected, some improvements to the electoral law notwithstanding.³¹ In its report on the presidential election in 2015, the OSCE Office observed some improvements regarding election observation. As many as two thirds of the observers were representatives of State-funded public associations, however.

105. The Special Rapporteur was pleased to note that an unregistered non-governmental organization, Human Rights Centre Viasna, in alliance with other organizations, was able to observe the conduct of the electoral process. The role of independent civil election observation again proved crucial in determining the reliability of the official data, for example regarding voter turnout, vote counting and mandate allocation.

106. Key results of the parallel, independent observation by both the international and the civil observers shed light on the artificially inflated, in many cases fictitious, turnout count. This was regularly observable, especially during the so-called “early voting”, a four-day process based on the intra-institution coercion of army conscripts, students, and State clerks to go to the polls. The OSCE Office for Democratic Institutions and Human rights stated that “early voting, counting and tabulation procedures were still marred by a significant number of procedural

²⁹ Photograph by Reuters, showing the fourth side of the vote-counting table: http://ichef.bbci.co.uk/news/624/cpsprodpb/75AE/production/_91162103_mediaitem91162102.jpg.

³⁰ OSCE Office for Democratic Institutions and Human rights presidential election observation mission, final report, 2011, p. 1.

³¹ OSCE Office for Democratic Institutions and Human rights parliamentary election observation mission, final report, 2012, p. 1.

irregularities and a lack of transparency".³² The independent civil observation alliance published its well-documented estimates of organized turnout inflation in statistical form.³³

107. Other well-documented reports³⁴ alleged post-factum adjustments of the crucial results at precinct No. 205 in Minsk. The manipulation is assumed to be responsible for the finally published results of two opposition politicians. The United Civil Party candidate, Hanna Kanopatskaya, was declared the winner and could enter the parliament as the first opposition party member in two decades. One of her competitors was the Tell the Truth candidate, Tatyana Korotkevich, who had made her fame by running against the incumbent in the presidential election in 2015 and was considered by all analysts to be the most nationally visible opposition candidate of the campaign. The allegations of a swap were based on photographs of the changes in the committee's protocols. According to these documents, the surprising results were made possible by the leeway provided by a threefold magnification of the early voting turnout, from 169 to 501. In addition, the move resulted in discord among the opposition parties.

VII. Conclusions and recommendations

108. The Special Rapporteur concludes that, notwithstanding some marginal progress regarding the rights of candidates to hold meetings, more openness for external observation and the recent admission of a couple of members of the opposition to the lower chamber of the parliament, the exercise of the rights to vote and to be elected remain incompatible with international human rights standards.

109. The systemic shortcomings, such as the absence of a free system of registration for any movement, including political parties, the lack of equal access to the media by all political streams, the absence of transparency in turn out and vote counting and registration of voters and the ongoing harassment and discrimination of unwelcome candidates, render the entire electoral process not compatible with the concept of elections that are respectful of human rights and therefore pose the question of the purpose of such a process. As already pointed out by the Special Rapporteur, elections in Belarus remain fully guided and have been transformed into ceremonial tools used to perpetuate power.

110. The Special Rapporteur regrets that Belarus did not take into account the numerous recommendations made by the OSCE Office for Democratic Institutions and Human Rights, the United Nations human rights mechanisms and by himself on several occasions to tackle the systemic deficiencies that underpin the electoral process in Belarus and hinder the exercise by citizens of their basic freedoms. The absence of real changes in the practices of the State apparatus and in the legal framework, notwithstanding a ready-to-implement list of recommendations, demonstrates a lack of political will to adhere to rights that are universally recognized.

³² See footnote 22 above.

³³ See https://spring96.org/files/images/sources/early_voting_final_report_statistics_en.png.

³⁴ See <http://nn.by/?c=ar&i=177103>.

111. The Special Rapporteur is grateful to all those who provided detailed first-hand information. He regrets that the Government did not avail itself of this opportunity. He reiterates his readiness to work with the Government and continues to offer his support to civil society. He will continue to request an official visit to the country during 2017. In addition, the Special Rapporteur recommends that the Government:

- (a) Conduct a holistic review of the legal framework surrounding electoral processes to make it compliant with human rights standards;
- (b) Base such a review on the set of recommendations made by the OSCE Office for Democratic Institutions and Human Rights and the United Nations human rights mechanisms, including the Special Rapporteur;
- (c) Ensure a transparent turnout and vote count, including for their full and open observation by election commission members and other stakeholders;
- (d) Guarantee non-interference by the Government in the media, including the online-based outlets, and establish a pluralistic and demonopolized system of broadcasting;
- (e) Eliminate the permission-based registration procedure for assembly, association and the press and complete the denied registration of parties and civic and human rights organizations;
- (f) Free Uladzimir Kondrus;
- (g) Conduct prompt, impartial and thorough investigations, as well as prosecute and punish any acts of intimidation and violence against political leaders, human rights defenders and journalists;
- (h) Repeal article 193.1 of the Criminal Code, which criminalizes public activities without official permission;
- (i) Ensure full rehabilitation for individuals who have been politically prosecuted and convicted, including the expunging of any criminal record and limitations on their participation in political life and elections;
- (j) Recognize and extend full cooperation to the mandate holder by engaging in dialogue and facilitating a country visit.



General Assembly

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Agenda item 69

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Safety and security of humanitarian personnel and protection of United Nations personnel

Report of the Secretary-General

Summary

The General Assembly, in its resolution 70/104, requested the Secretary-General to submit to the Assembly at its seventy-first session a comprehensive and updated report on the safety and security of humanitarian personnel and protection of United Nations personnel and on the implementation of the resolution. It also requested the Secretary-General to include in the report an assessment of the impact of safety and security risks on such personnel, and the development, implementation and outcomes of policies, strategies and initiatives of the United Nations system in the field of safety and security.

The present report presents an overview of the global security environment, the associated security threats and impacts on United Nations personnel, as well as the Organization's response to those challenges. The report contains an analysis of emerging security trends and the implications for United Nations personnel. It also highlights the additional requirements needed for the United Nations in response to the rising demands for security services. The report concludes with observations and recommendations for consideration by the General Assembly.



I. Introduction

1. In its resolution 70/104, the General Assembly requested the Secretary-General to submit to the Assembly at its seventy-first session a comprehensive and updated report on the safety and security of humanitarian personnel and protection of United Nations personnel and on the implementation of the resolution. It also requested the Secretary-General to include in the report an assessment of the impact of safety and security risks on such personnel, and the development, implementation and outcomes of policies, strategies and initiatives of the United Nations system in the field of safety and security.

2. The present report covers the 18-month period from January 2015 to June 2016. It presents an overview of the global security environment, the associated security threats, risks and challenges facing United Nations personnel,¹ the Organization's response to such threats, the strategic challenges faced by the Organization and a way forward.

II. Security threats against United Nations personnel

A. Global security environment

3. During the reporting period, the United Nations continued to operate in a global security environment that is increasingly dangerous, complex and challenging. United Nations personnel sustained multifaceted and interrelated threats from armed conflict, criminality, civil disorder and transnational terrorism. At the call of their respective governing bodies, United Nations personnel delivered United Nations political, humanitarian, peacekeeping and development mandates and programmes in the most challenging parts of the world, including Afghanistan, Iraq, Mali, the Syrian Arab Republic, Somalia and Yemen, where many Member States have ceased civilian activities. As the United Nations is consolidating international efforts to provide solutions to the world's conflicts, the intensity of the attacks and threats against its personnel and premises has increased concurrently.

4. Conflicts nowadays are increasingly complex. Local, national and regional vulnerabilities intersect with ethnic, religious, sectarian, socioeconomic and political tensions. This state of affairs nurtures a breeding ground for violence and presents hybrid security threats, as the protagonists of these conflicts adaptively employ conventional and non-conventional means in pursuit of their objectives. As an example, non-State armed groups, violent extremists and criminal gangs are sharing trafficking routes and assets for mutually beneficial partnerships. In

¹ For the purposes of the present report, the term "United Nations personnel" refers to all personnel covered by the United Nations security management system, including United Nations system personnel, United Nations Volunteers, individually deployed military and police personnel in missions led by the Department of Peacekeeping Operations or the Department of Political Affairs, consultants, individual contractors, experts on mission and other officials with a direct contractual agreement with an organization of the United Nations system. The term does not refer to military members of national contingents or members of formed police units when deployed with their contingent. The security management system is responsible for approximately 180,000 personnel according to the United Nations Security Managers Information Network database.

addition, armed conflicts have expanded to confrontations in high-density urban areas, resulting in heavy, indiscriminate civilian casualties, destruction and damage to civilian infrastructure. The direct consequence is a rising demand for United Nations programmes and mandates in the midst of war zones.

5. The Islamic State in Iraq and the Levant, al-Qaida, Boko Haram and al-Shabaab continued to present significant challenges. Although the Islamic State experienced military setbacks in Iraq and the Syrian Arab Republic, these groups secured a grip in parts of Africa and Asia, with their supporters claiming responsibility for attacks in Afghanistan, Algeria, Egypt, Libya, Mali, Nigeria, Pakistan, Tunisia, Lebanon, Yemen and Somalia. An alarming trend is the ability of these extremist groups to spread violence and terror in areas previously assessed as lower threat, such as Burkina Faso, Côte d'Ivoire, Indonesia, Bangladesh and Turkey. Of particular concern are the attacks on "soft targets", especially those against civilians at commercial venues, such as hotels, restaurants, discotheques and airports, in order to maximize fear. Furthermore, the continuous targeting of religious sites, schools and hospitals throughout the world demonstrates a relentless commitment to brutality and ruthlessness. The security situation in Europe also represents a new challenge, following the terrorist attacks in France, Belgium and, most recently, Germany. While the United Nations is not targeted directly in this region, the attacks raise concerns and put significant stress on the host Governments' security capacity, which is likely to place additional strain on the United Nations security management system.

6. Moreover, the role of the Internet and social media in fuelling the violence is extremely alarming. The Internet provides ample ground for nurturing and motivating home-grown cells and opportunistic individuals to commit unjustifiable acts of violence, while also making techniques available, whether rudimentary or sophisticated. Using a reserve of disillusioned individuals and simple communication platforms, violent extremist groups are hoping to fuel terrorist attacks throughout the world.

7. Regrettably, the security environment is unlikely to improve in the near term. The *World Humanitarian Data and Trends 2015* and the *Global Humanitarian Overview 2016*, issued by the Office for the Coordination of Humanitarian Affairs of the Secretariat, have cautioned that a continuation of instability in specific countries is likely. Their analysis shows a steady increase of political conflicts since 2006 and the lack of durable political solutions. In addition, an assessment of the global security environment for the next five years, conducted by the Department of Safety and Security of the Secretariat, concluded that armed conflict and violent extremism will continue to shape the future global security landscape. The assessment indicates that unrelated threat actors, who are enabled by the use of the Internet and social media, intend to create more instability and violence worldwide.

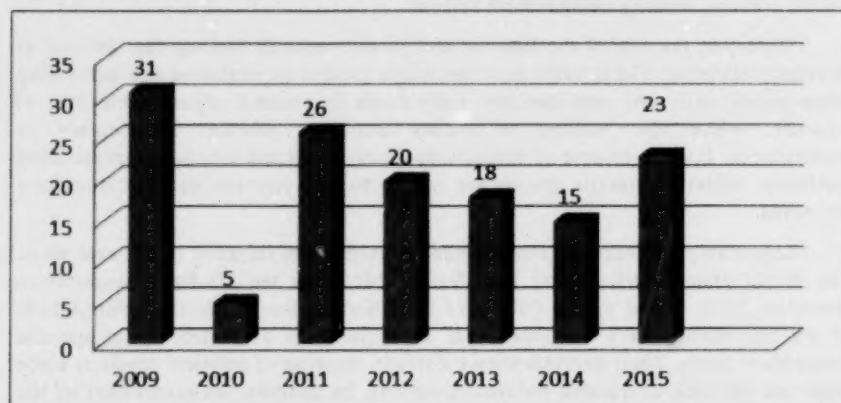
B. Security incidents affecting the United Nations security management system

1. Types of incidents and their impact on United Nations personnel

Direct attacks against United Nations personnel, premises and assets

8. The number of direct attacks against United Nations premises and vehicles increased substantially in 2015. Direct attacks were perpetrated against 35 Organization premises and 155 United Nations official vehicles compared to 9 and 45 such attacks, respectively, in 2014, a noticeable threefold increase (see annex II). The major increase in attacks was observed in the Central African Republic, Somalia, South Sudan and Yemen. In addition, there were 109 instances of unauthorized intrusions into Organization premises in 2015. As a result, 1,819 United Nations personnel were affected by safety and security incidents in 2015 compared to 1,734 personnel affected in 2014 (see annex I). A total of 23 United Nations civilian personnel lost their lives and 99 more personnel were injured owing to direct acts of violence compared to 15 and 65 personnel, respectively, in 2014. These figures represent an increase of 30 per cent in casualties of United Nations personnel owing to acts of violence (see fig. 1).

Figure 1
United Nations personnel killed as a result of violence

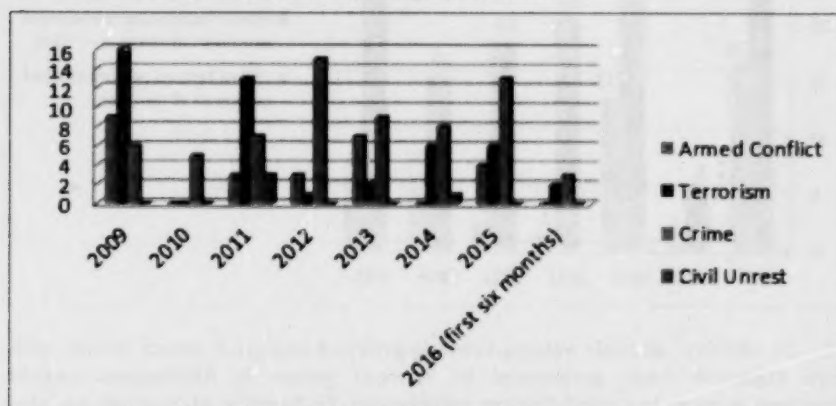


9. In comparison to the significant increase in hostile attacks against Organization premises, the number of casualties among United Nations personnel was contained and the increase in casualties was not commensurate with the rise in incidents. This is likely due to the robust implementation of security risk management measures, enhanced security training, further strengthening of physical security and threat and risk assessments.

10. In 2015, 13 personnel (56 per cent) were killed as a result of acts of criminality, 6 personnel (26 per cent) were killed in terrorist attacks and 4 personnel (18 per cent) were killed as a result of armed conflict (see fig. II and annex III). Four of the six personnel who lost their lives owing to terrorism were killed in a single terrorist attack in the bombing of a United Nations vehicle in Garowe, Somalia, on 20 April 2015, where five more United Nations personnel were injured.

Figure II

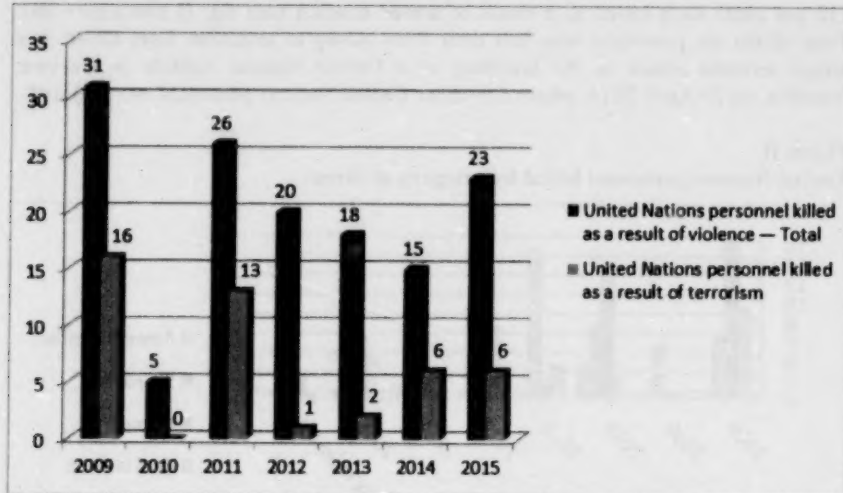
United Nations personnel killed by category of threat



Terrorism

11. The number of casualties resulting from terrorism remained stable over the last two years. However, one single security incident can dramatically reverse this trend, as demonstrated in 2009 (Kabul) and 2011 (Abuja) (see fig. III). In 2015 and during the first six months of 2016, United Nations personnel were directly affected by terrorist attacks perpetrated by the Islamic State and other terrorist groups at public and commercial venues. Many transiting personnel were at the airport terminals during terrorist attacks on airports in Brussels and in Istanbul, Turkey. Dozens of personnel were staying as guests in hotels in Burkina Faso, Côte d'Ivoire and Mali during attacks by terrorist groups. One United Nations Volunteer was killed and another United Nations personnel was injured as a result of the attack on La Paillotte Hotel in Grand Bassam, Côte d'Ivoire, on 13 March 2016.

Figure III
United Nations personnel fatalities as a result of terrorism

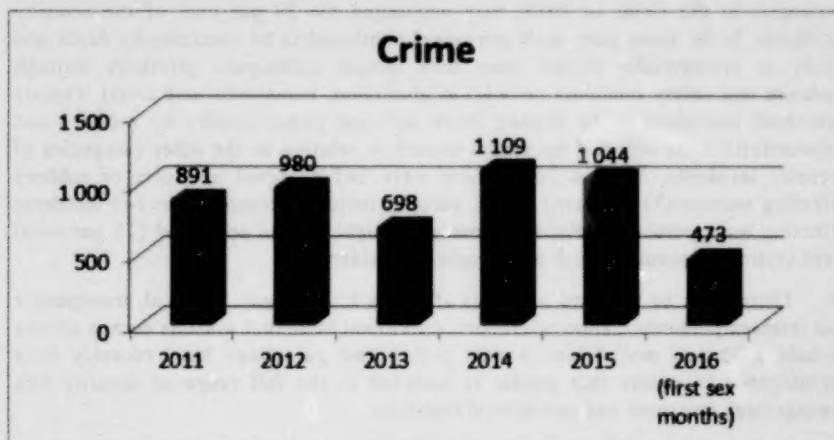


12. In addition, multiple vehicle-borne improvised explosive device attacks with high explosive loads, perpetrated by terrorist groups in Afghanistan, caused structural damage to United Nations installations. In Somalia, al-Shabaab has also employed stand-off attacks involving mortar and rocket fire, directly targeting United Nations compounds. In response, the United Nations security management system has established multiple policies, physical security enhancements and training, which are detailed below.

Crime

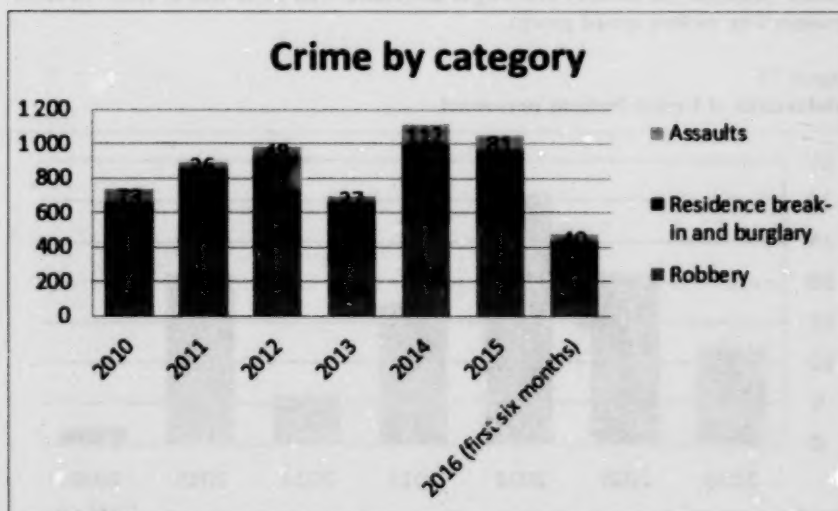
13. Although criminality targeting United Nations personnel has decreased slightly from the previous year (see figs. IV and V), in 2015, criminality accounted for the majority of the 23 deaths attributed to acts of violence. From January to June 2016, 473 personnel reported being directly affected by crime, indicating that a similar level of crime may be achieved at the end of 2016.

Figure IV
United Nations personnel affected by crime



14. Of the 1,044 United Nations personnel affected by crime in 2015, nearly half (49 per cent) involved robberies, while another 43 per cent of the personnel were victims of crime as a result of residence break-ins and burglaries. A new policy was promulgated at the end of 2015, providing additional guidance on residential security measures. In addition, the Inter-Agency Security Management Network is reviewing the provisions for security at the residences of locally recruited personnel.

Figure V
United Nations personnel affected by crime, by category



Gender-related security incidents

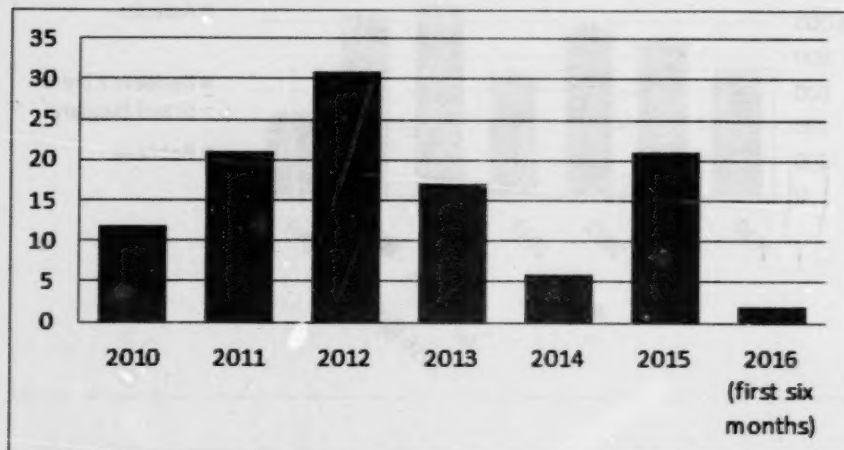
15. Female personnel represent approximately 40 per cent of all United Nations personnel in the field; in 2015, they accounted for 39 per cent of the security incidents. In the same year, male personnel continued to be impacted by death and injury at substantially higher rates than female colleagues, primarily through violence and safety incidents, as well as abduction, harassment and arrest. Female personnel continued to be slightly more affected proportionally by robbery and substantially more affected by sexual assault in relation to the other categories of security incidents. Also in 2015, there were 262 reported incidents of robbery affecting women (51 per cent) of 511 security incidents compared to 249 incidents affecting male personnel. For the same year, eight female personnel (75 per cent) were victims of sexual assault of 12 reported incidents.

16. There were no reported incidents affecting lesbian, gay, bisexual, transgender and intersex personnel, although reports on violent or sexual assaults do not always include a known motivation. A new policy and guidelines have recently been promulgated to ensure that gender is included in the full range of security risk management measures and operational response.

Abduction of United Nations personnel

17. In 2015, there were five security incidents involving the abduction of 21 United Nations personnel. The most significant incident occurred in March 2015 when a United Nations humanitarian convoy in the Syrian Arab Republic delivering 20 trucks of humanitarian aid to the civilian population in an area affected by military hostilities was ambushed by unknown perpetrators. The ambush led to the abduction of 17 United Nations personnel. A large majority of the 21 personnel abducted in 2015 were locally recruited (13 personnel, or 62 per cent). Following two years of decreases in abductions (see fig. VI), the aforementioned state of affairs illustrates the security challenges associated with cross-line missions in areas contested by various armed groups.

Figure VI
Abductions of United Nations personnel



18. Of the 21 abducted personnel, all but one were released. A locally recruited United Nations personnel abducted in Baquba, Iraq, on 16 April 2015, was subsequently murdered by unknown captors and identified on 16 February 2016. Efforts to prevent abductions are being undertaken through enhanced risk assessments and training. The release of hostages continues to be attributed to the solid hostage management capacity established within the Department of Safety and Security and the support provided by Member States.

Intimidation and harassment

19. Incidents of intimidation and harassment of United Nations personnel have increased significantly in the last three years, from 108 in 2013 to 295 in 2014 to 405 reported cases in 2015, in 60 countries. The increase has been observed mainly in South Sudan, which accounts for 25 per cent of such incidents worldwide, and in several other countries with peacekeeping missions. Harassment of United Nations personnel by military forces and organized militia is rising, which presents a serious challenge, as security actors are expected to play a critical role in ensuring the safety and security of United Nations operations and personnel. So far, in 2016, 174 incidents have been reported in these two categories, which is already more than in 2013.

Arrests and detentions of United Nations and other personnel

20. The number of United Nations personnel detained or arrested has consistently decreased since 2010 and dropped by 53 per cent from 2014 to last year. In 2015, 69 personnel were detained or arrested compared to 2014, when 128 civilian personnel were arrested (110 personnel were subsequently released). Another 39 personnel were arrested during the first six months of 2016. Currently, 19 United Nations personnel remain in detention. The majority of arrests are related to violations of local laws, including road traffic violations. Most arrests in 2015 occurred in Burundi, South Sudan, the Syrian Arab Republic and Yemen. In one recent case, when a United Nations staff member was detained in Donetsk, eastern Ukraine, on 8 April 2016, the de facto authorities did not provide reasons for the detention or grant access by United Nations officials to the detained staff member for months, despite multiple and continuing requests from the United Nations. The staff member was released on 17 September 2016.

21. Member States are urged to act against all unlawful detentions or arrests of United Nations personnel or obstruction to their freedom of movement. Moreover, Member States are urged to investigate all serious crimes and acts of violence committed against United Nations personnel within their respective jurisdictions and to seek the prosecution of all perpetrators in this regard.

Road traffic accidents

22. Fifteen United Nations personnel lost their lives in road traffic accidents in 2015, the same number as in 2014, while 124 personnel were injured compared to 91 personnel in 2014. A third of such incidents were associated with the use of official United Nations vehicles. In addition, 31 non-United Nations personnel were killed and another 274 non-United Nations personnel were injured in road traffic accidents involving official United Nations vehicles compared to 29 and 202 such

personnel, respectively, in 2014. The United Nations is currently engaged in establishing a system-wide strategy on road safety.

2. Impact of the global security environment on United Nations programmes

23. United Nations personnel are operating in some of the most dangerous places in the world, delivering life-saving or critical programmes in conflict zones marked by aerial bombings, heavy weapons or small arms fire and terrorist attacks, especially in populated urban areas. Since 2015, the Organization has delivered a large number of programmes in areas with very high residual security risks or under full evacuation of international United Nations personnel, in circumstances where activities would normally have been curtailed. In June, two missions were conducted in the besieged Syrian Arab Republic city of Dayr az Zawr. Where populations in need were inaccessible, humanitarian supplies were airdropped by the World Food Programme (WFP).

24. The deterioration of the security environment in some countries has led to the cessation of programmes, the transfer of donor funds from development to humanitarian, life-saving activities and increased needs for funding for security protection. For instance, in Afghanistan and Iraq alone, the Department of Safety and Security spent approximately \$1 million for the acquisition of eight new armoured vehicles to improve the security of road movements. One United Nations agency indicated that the cost of security measures in the Syrian Arab Republic and the challenges in accessing vulnerable communities were the most significant obstacles when negotiating with potential donors about new programmatic proposals. In addition, the Department provided physical security assistance to field locations, yet the demands have outpaced the existing capacity.

Case study 1: Somalia

25. In Somalia, the United Nations country team has been working hard to maintain its presence outside the African Union Mission in Somalia (AMISOM) protected area so as to remain accessible to its Somali counterparts. At least four terrorist incidents over the last two years have resulted in a gradual withdrawal to the AMISOM protected area, as existing locations required significant additional funds to meet blast assessment requirements or were damaged beyond economical repair. Country offices have been severely reduced, with many agencies working out of temporary and dispersed offices and accommodation premises. International personnel not assigned to critical programmes have, on occasion, been requested to operate from Nairobi, or requested to take leave, in order to reduce presence in the face of significant threats. Most roads across southern Somalia are inaccessible owing to the terrorist threat, which severely limits the monitoring and implementation of projects and humanitarian programmes. However, in spite of such challenges, WFP re-opened its Mogadishu office for the first time in 20 years.

Case study 2: Iraq

26. United Nations agencies and non-governmental organizations (NGOs) are working in some of the most difficult circumstances to provide aid and stabilization efforts in the newly liberated areas of Iraq. The agencies have constantly reassessed their approach in the field by adapting work modalities, using implementing

partners and continuously assessing programme criticality to balance operational needs with security risks. Movements between government- and militia-controlled areas require considerable planning and missions are often cancelled or delayed by numerous checkpoints. Improvised explosive devices, unexploded ordnance and booby traps represent the most significant threats for United Nations operations in the region and are the cause of frequent delays or obstruction in stabilization efforts.

3. Security of locally recruited United Nations personnel

27. Overall, locally recruited personnel comprised 64 per cent of the United Nations personnel affected by safety and security incidents in 2015. This rate is consistent with the rate of 65 per cent observed in 2014. Such personnel are, in absolute numbers, the primary victims of acts of violence and safety-related incidents (73 per cent and 87 per cent, respectively), the majority of which are road accidents. Locally recruited personnel have also been affected at a greater ratio than their internationally recruited colleagues in two areas: arrest and detention (94 per cent); and intimidation and harassment of personnel (66 per cent). As the Organization engages in more complex and dangerous environments, locally recruited personnel and their families face difficult situations, requiring a continuous dialogue and the mobilization of efforts from different components of the United Nations system.

C. Security incidents affecting humanitarian personnel and other United Nations personnel

1. Impact of security threats on humanitarian personnel, non-governmental organizations, health workers, medical personnel and other implementing partners

28. From January 2015 to June 2016, 41 NGO personnel working in close cooperation with the United Nations lost their lives as a result of acts of violence and 47 personnel were abducted, according to reports received by the Department of Safety and Security (see annex IV). The number of casualties from United Nations NGO implementing partners has decreased by 50 per cent from 92 fatalities in 2014. Although the data, based entirely on voluntary reporting to the Department, is likely incomplete,² it nonetheless shows that casualties continue to take a heavier toll on NGO personnel than on United Nations personnel.

29. It was reported in 2015 that 82 NGO personnel were injured as a result of acts of violence, almost the same number as that reported for 2014 (84). However, 230 personnel reported incidents of being attacked in their vehicle, an increase from 129 reported incidents in 2014.

30. The protection of aid workers and health-care personnel remains a matter of deep concern. In particular, it is essential that all parties ensure the protection of health workers and health facilities in conflict situations to enable them to provide care for the local population, as emphasized by the General Assembly in its resolution 69/132 and by the Security Council in its most recent resolution, 2286

² External sources, such as the *Aid Worker Security Report*, provide additional information in this regard.

(2016), in which the Council strongly condemned, inter alia, acts of violence, attacks and threats against medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities.

2. Security incidents affecting area staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

31. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) employs more than 30,000 area staff in its five fields of operation: Gaza, the West Bank, Jordan, Lebanon and the Syrian Arab Republic. UNRWA provides, inter alia, registration, health, education, protection, relief and social services, in addition to reconstruction and other emergency programming to 5 million registered Palestine refugees throughout the region. UNRWA area staff carry out humanitarian operations in some of the most volatile and high-risk environments and, consequently, are exposed to all forms of security incidents. In 2015, there was a decrease of 12 per cent in the number of such incidents impacting the Agency compared to the previous year. No fatalities were reported in 2015, but two UNRWA area staff have already been killed as a result of violence in the first six months of 2016. While fatalities, injuries, abductions and detentions decreased significantly, the number of aggravated assaults and intimidation increased exponentially, the latter doubling compared to the previous year (see annex V).

32. UNRWA area staff are not covered by the United Nations security management system and therefore security incidents that had an impact on them are not included in the overall statistics contained in the present report. However, these numbers complete the overall description of the security environment in which United Nations operations are conducted.

3. Comparison with peacekeepers

33. Although not covered under the United Nations security management system, peacekeepers who serve the United Nations in high-risk environments face types of threats similar to those encountered by United Nations civilian personnel. There was a spike in deliberate hostile acts over the last three years, with a twofold increase from 2014 to 2015 (22 in 2013; 41 in 2014; 87 in 2015); fatalities and injuries decreased from 2014 to 2015.

34. In 2016, the number of hostile incidents by armed groups targeting peacekeepers increased in Mali, the Democratic Republic of the Congo and South Sudan, but decreased in other peacekeeping operations, in particular in the Central African Republic and the Sudan (Darfur). In Mali, the number of peacekeeper fatalities owing to malicious acts rose significantly over previous years mainly as a result of improvised explosive devices and suicide attacks by violent extremist armed groups affiliated to al-Qaida in the Islamic Maghreb. In early 2016, some of the terrorist attacks in northern Mali were more lethal and devastating than ever before. In response, multidimensional preventive and mitigating measures were implemented.

III. Strengthening the security management system

35. In response to the challenging and complex security environment, the Department of Safety and Security continued to provide leadership, coordination and operational support to the security management system in line with its vision, "protecting the people who work for a better world". The Department focused on priorities identified in 2015, with particular emphasis on strengthening the capacity of security decision makers and providing support for crisis management.

A. Enhancing security risk management capacity for security decision makers

1. Strengthening security risk decisions

36. With support provided by Member States in accordance with General Assembly resolution 70/104, the Organization has significantly strengthened the security risk management process and the programme criticality framework tool. The revised policy on the security risk management process was promulgated in April 2016 and was preceded by substantive preparation activities, such as mandatory online training and technical briefings. This effort has been effective in bringing all the actors to a common level of understanding. In parallel, the programme criticality framework was reaffirmed as a system-wide mandatory policy in early 2016. These developments have empowered programme and security decision makers in making solid and reasonable decisions in rapidly evolving crisis or dangerous environments.

2. Enhanced support to designated officials

37. The Department of Safety and Security provided regular support to designated officials in 2015 by organizing inductions, briefings, consultations and workshops to help decision makers understand crisis management; to enhance their ability to effectively manage security risks; and to make critical decisions. Twenty designated officials attended crisis management training, held in Geneva in November 2015. This first initiative is being complemented in 2016 by regional workshops. Thus far, three workshops have taken place for the Middle East/North Africa and for the Americas regions, and for peacekeeping operations and special political missions, attended by a total of 35 designated officials and 53 security advisers. The Department has also started revising the designated official handbook, initially issued in 2012, and is preparing a specific aide-memoire on crisis management. Forty designated officials were briefed separately, in parallel to the expanded security programme for resident coordinators/humanitarian coordinators, organized in collaboration with the United Nations Development Group. To date, more than 5,000 United Nations personnel have completed the online Security Management Team course.

B. Reinforcing security risk management strategies and the policy framework to make possible United Nations operations in the field

1. Reinforcing the framework of safety and security policies

38. The Inter-Agency Security Management Network has maintained the momentum in developing system-wide safety and security policies. From July 2015 to June 2016, six policies and two guidelines were promulgated, covering a wide range of issues. In addition, the Department of Safety and Security has intensified its efforts in promoting awareness, understanding and application of these policies, guidelines and procedures through online briefings with field-based operators, regional workshops and internal policy forums, producing short policy videos and translating policies into French.

2. Effective use of specific security risk-management measures

39. In 2015, the use of armoured vehicles continued to prove highly effective where deployed. Eight new armoured vehicles have been positioned in Afghanistan and Iraq, while previously acquired armoured vehicles were transferred to Ukraine, Somalia, Yemen and the Central African Republic.

40. Physical security was also strengthened at United Nations premises and compounds. In November 2015, the Department of Safety and Security issued guidance for enhanced measures specific to Headquarters, offices away from Headquarters, regional commissions and International Tribunals. In addition, the establishment of the Physical Security Unit, within existing resources, has ensured the provision of physical security support to United Nations premises worldwide. The Unit, now composed of three full-time staff members, provides guidance, reference material, training programmes and specifications for equipment to its community of practice. The Unit conducted 19 physical security assessments, including in Libya and Yemen, and provided support to 25 specific locations. However, the Department has to face the challenge of a high demand for such services from the field. Currently, owing to the lack of resourcing, there are 27 outstanding physical security assessments in the field.

3. Response to critical incidents

41. The security clearance system lists all United Nations personnel in a particular city, including those on travel status, and has made it possible for the United Nations system to fulfil its duty of care responsibilities by contacting all personnel who may have been affected during significant incidents and when serious aviation incidents occur.

42. In addition, the evolving security environment and the increased presence of United Nations programmes and operations in highly volatile situations has led to a substantial increase in the number of personnel exposed to stress and critical incident stress. During the reporting period, the Department of Safety and Security provided responses to 47 major critical incidents and mass emergencies (earthquakes in Nepal and Ecuador, cyclone in Vanuatu, political and civil unrest in Burundi, the Central African Republic, Yemen, Libya and the Syrian Arab Republic, hostage

incidents in the Sudan, terrorist attacks in Brussels). A total of 8,576 counselling sessions were provided to personnel and their dependants.

4. Training

43. While increasing its provision of support to security decisions makers, as indicated above, the Department of Safety and Security continued to develop the training of all United Nations personnel, a major component of security culture, and specific courses for security professionals.

44. The mandatory courses on basic security in the field and advanced security in the field are the fundamental requirements for all United Nations personnel. Since they were revised in 2011, more than 300,000 certificates have been issued, including renewal certification after three years of completion. For those operating in high-risk environments, the safe and secure approaches in field environments programme is an essential risk mitigation measure and a practical tool. Administered in collaboration with the United Nations System Staff College and United Nations security management partners, the programme was delivered to 12,984 personnel in 44 locations during the reporting period. In addition, an "active shooter" online course was developed and launched in English, with supporting material in French, Arabic and Spanish distributed in May 2016.

45. Approximately 1,500 security professionals have attended security learning programmes, which were often delivered in collaboration with United Nations organizations. The emergency trauma bag-first responder course, which provides training to support medical professionals who respond to critical incidents and mass casualty events, has proven particularly valuable for personnel working in isolated environments; more than 400 United Nations personnel have received the training so far this year. A specific course on physical security was designed to increase the knowledge and skills of security professionals. A pilot course was conducted in New York and will be delivered in the field in the second half of 2016.

46. Overall, the growth in demand and specialization in training is challenged by limited resources. The Department of Safety and Security is currently engaged in a review of training needs with the aim of identifying resource requirements and more effective delivery methods to provide sustainable security learning programmes to the United Nations system.

5. Enhancing situational awareness and threat and risk analysis

47. In order to improve the Organization's ability to face rapid changes in the security threat environment, the Department of Safety and Security developed a course of instruction designed to provide security information analysts with the necessary skills to issue analytical warnings and assessments for crisis managers and decision makers at the strategic and operational planning levels. The course will be delivered in 2017 to security information analysts in the Department and to Office of Military Affairs assessment team analysts in the Department of Peacekeeping Operations. Additional capacity is now required to cover the increasing demands in the field, in particular in the Middle East, Europe, Asia, eastern and southern Africa, and Central and South America. Moreover, additional

capacity is required to monitor the Internet and social media more effectively, in coordination with other specialized United Nations entities.

C. Flexibility and efficiency in support of United Nations field operations

1. Increased demands are addressed through increased efficiency and flexibility

48. The Department of Safety and Security continued to strengthen its surge capacity to meet a rise in demand worldwide. In 2015, a total of 336 surge deployments were provided in response to security emergencies and crises worldwide, which have increased almost threefold compared to 2014. In addition, from January 2015 to June 2016, the Department provided security and protection support for 292 special events, conferences, workshops and meetings sponsored and organized by United Nations organizations away from United Nations premises. In 2016, 103 events have already been coordinated, including major events in Turkey and Germany.

49. Although the Department has successfully managed to meet increased demands and respond to unpredictable crises through efficiency and flexibility, the growing demands far outreach the existing capability. Despite the positive change and efforts of the Department, the staffing and funding structures, which were established 10 years ago, are no longer commensurate with the security environment.

2. Integration of security resources of the Secretariat to further these efficiencies

50. Following the start of the programme to integrate all security personnel of the Secretariat under the leadership of the Under-Secretary-General for Safety and Security, as welcomed by the General Assembly in its resolution 70/104, the Department of Safety and Security has initiated major aspects of the integration project. The goal of integrating all security personnel in one Secretariat Department is to provide quality, flexible security services to all clients at Headquarters and in the field, with a single effective chain of management authority, responsibility and accountability, and a mobile and global Secretariat security workforce.

51. The Department of Safety and Security continues to engage with all stakeholders related to the integration project, focusing on three main areas: management, human resources and finances. In particular, in close cooperation with other Secretariat entities, the Department is working to realign the functional management arrangements for chief security officers, security analysts and close protection officers in peace operations. The most challenging aspect of integration is seeking a solution to the multiple funding sources for security.

3. Human resources strategy for security personnel

52. The Under-Secretary-General for Safety and Security has commissioned the preparation of a human resources strategic framework that will provide an opportunity for the Department of Safety and Security to develop and maintain a professional and effective safety and security workforce. The strategy will serve as a road map for planning organizational strategies and policies in the areas of recruitment, training, career development and performance management. The

ultimate goal is to ensure that the Department has duly qualified and motivated security personnel to address emerging security threats affecting United Nations personnel and operations around the world.

4. New approach to compliance and evaluation

53. Significant progress has been made in establishing an evaluation capacity as well as a lessons learned and best practice function within the Department of Safety and Security. First, evaluating the effectiveness and relevance of security programmes, including security culture and gender mainstreaming, has been developed into the normal management activities of the Department. Secondly, the lessons learned and best practice function has been enhanced from the experience of case studies undertaken in 2015. Efforts are under way to make compliance assessment a system-wide approach to be supported by the development of a policy on compliance.

D. Building external collaboration and enhancing internal coordination

1. Enhancing security collaboration between the United Nations and host Governments

54. The United Nations has pursued a strategy of building constructive relationships with host Governments, as they have the primary responsibility to provide security and protection to United Nations personnel, premises and assets. The Under-Secretary-General for Safety and Security, during his visits to host government authorities, delivers messages to ensure that such collaboration is carried out through the sharing of situational awareness, threat and risk analysis, the coordination of prevention and risk mitigation measures, and management of security crises. At Headquarters locations, coordination with host government authorities is manifested in joint drills and training sessions. In addition, the Department of Safety and Security received numerous security threat information notices from host government security and law enforcement agencies. In parallel, the Organization continuously encourages its personnel to respect national laws and national local customs and traditions.

2. Campaign against impunity and promoting respect for the human rights, privileges and immunities of United Nations and associated personnel

55. The United Nations continued to make every effort to engage host Governments to protect human rights and respect the privileges and immunities of United Nations personnel. One important approach is to encourage more Member States to become parties to relevant international conventions, notably the Convention on the Safety of United Nations and Associated Personnel (1994), signed by 92 parties, and its Optional Protocol (2005), to include applicable provisions in their agreements concluded with the United Nations and to fully comply with those conventions and provisions. In addition, through the Secretary-General's Human Rights Up Front initiative, human rights issues, including the protection of humanitarian and United Nations personnel, are regularly discussed with Member States.

56. In parallel, the Department of Safety and Security has initiated a programme, in collaboration with the Office of the United Nations High Commissioner for Human Rights, to enhance awareness of security professionals about human rights principles and policies.

3. Strengthening partnerships with non-governmental organizations

57. The United Nations, in consultation with the international NGO networks, has revised the "Saving Lives Together" framework to provide a clearer and more systematic approach to its cooperation with international NGOs on safety and security. The new framework provides for the first time an umbrella for security collaboration with all implementing and operational partner international NGOs of the United Nations, including those in the development sector. Additional implementation guidelines were issued in July 2016 to provide assistance to United Nations country teams and NGOs in enhancing security collaboration.

58. The Department of Safety and Security has also continued to invite NGO security managers to the security certification programme for United Nations security professionals, fostering networking and mutual understanding. The Department's "surge" deployment programme has been expanded to increase the capacity of Department teams to support NGOs in volatile environments, with a total of 100 deployments to 20 countries in the reporting period. In addition, the United Nations security management system has continued to consider NGOs in planning arrangements for the evacuation of personnel and has provided aircraft capacity to assist NGOs, where feasible.

4. Duty of care

59. The Working Group on Duty of Care, chaired by the Under-Secretary-General for Safety and Security, has concluded its work and submitted its final report to the High-level Committee on Management in March 2016. While recognizing that the United Nations provides an adequate level of duty of care for its personnel, the Working Group identified 15 key recommendations in five areas, including medical, safety and security, psychosocial and administrative/human resources. Recommendations included the need for a predeployment package and resilience briefing; enhanced communications; strengthened medical and psychosocial services; review of the compensation, benefits and entitlements for locally recruited staff; and the need for proactive engagement, cooperation and coordination by all components/networks in the field and at the policy level. The High-level Committee on Management is currently engaged in establishing a task force to ensure that the recommended actions can be carried out in a coordinated and systematic manner.

5. Promoting gender considerations and inclusion

60. The United Nations has remained determined to address security challenges faced by male and female personnel, including lesbian, gay, bisexual, transgender and intersex personnel. In order to achieve this goal, the United Nations security management system developed a policy and guidelines to ensure that gender-based security risks are considered in all aspects of the security risk management process in 2015. In addition, in order to promote extensive awareness, gender-related topics have been prioritized in the learning curriculum for 2016.

6. Developing a United Nations security management system road travel safety strategy

61. As evidenced over the years by the consistent number of casualties and injuries caused to United Nations personnel and civilians by road traffic accidents, the United Nations security management system is currently engaged in a review of all aspects encompassing road safety. Building upon the ongoing Decade of Action for Road Safety 2011-2020, the appointment of the Special Envoy of the Secretary-General for Road Safety, in June 2015, the United Nations Coordination Meeting on Road Safety, held in April 2016, and General Assembly resolution 70/260, adopted on 15 April 2016, the security management system is committed to maintain the momentum and has started to develop an overarching United Nations road safety strategy. The strategy will seek to improve data management and analysis of vehicular accidents and fatalities, and consider establishing specific internal road safety goals.

7. Enhancing air travel safety globally

62. In support of the implementation of the first system-wide policy on air travel, promulgated in September 2015, the Department of Safety and Security has engaged in providing information and guidance on the use of global air transport to all United Nations security management system organizations. During the reporting period, the Department addressed an estimated 5,455 queries and organized training sessions and online policy forums. By June 2016, 108 air travel focal points were trained to provide support for the implementation of the policy.

IV. Strategic challenges

63. The Department of Safety and Security was created in the aftermath of the bombing of the United Nations headquarters in Baghdad in August 2003. Regrettably, since that tragic event, the security environment has continued to deteriorate. Day after day, the Organization operates under extremely challenging circumstances in the most dangerous places of the world. The security situation is now more complex, marked by hybrid threats from multiple actors, and by the intersection of and interaction between terrorism and crime. Insecurity is expanding to new areas while conflicts remain unabated in other places, with a dramatic impact on civilian populations, affected in record numbers by killings and displacements and requiring the support of United Nations programmes and mandates. As evidenced in the significant increase of direct attacks against their personnel and premises, United Nations organizations are now operating on the frontlines of conflicts. The deterioration in the security environment similarly affects NGO humanitarian personnel. The United Nations organizations and the NGOs have all paid a heavy price in lives as a result of the worsening security situation.

64. The growing threat of extremism is exacerbated by technological advances being made by terrorist organizations. The use of social media and the Internet, more sophisticated techniques and procedures, and the ability to sponsor attacks in areas that were previously considered as lower risk, such as in Europe, are of mounting concern.

65. In order to make possible United Nations operations while facing these challenges, the Department of Safety and Security has been developed and strengthened over the past 10 years since its establishment. A combination of training, enhanced physical security, risk management measures, threat and risk analysis, and a strengthened policy framework have enabled the organizations of the United Nations security management system to better protect their personnel and humanitarian partners. A recent client survey of the activities of the Department demonstrated a high level of support and satisfaction with the security services provided. However, the Organization is increasingly being asked, and expected, to do more. This additional activity will require the Department to continue to enhance its specialist capabilities, seek innovations and remain flexible and responsive to stay ahead of the fast-paced changes in the security environment.

66. Independent reviews have also raised concern over the changing nature of the security environment. Most recently, the Joint Inspection Unit has undertaken a comprehensive review of safety and security in the United Nations system. In its report to the General Assembly, it recognizes the strategic challenges facing the United Nations security management system and highlights their impact on security resources.

67. Addressing the dynamic and evolving security situation and the resultant increased demand for security services has become a priority for the Organization. The integration of the safety and security resources of the Secretariat under the management authority of the Department of Safety and Security represents an essential step to ensure the most effective and efficient use of the Organization's safety and security resources.

68. Finally, in collaboration with the United Nations security management system, the Organization, in accordance with General Assembly resolution 70/104, will continue to work with Member States to ensure an adequate level of security resourcing, commensurate with the increased needs for security, to make possible United Nations activities in these insecure environments. In that regard, the Organization encourages all Member States to contribute to the Trust Fund for Security of Staff Members of the United Nations System, with a view to supporting the efforts of the Department of Safety and Security to meet its mandate and responsibilities to make possible the safe delivery of United Nations programmes.

V. Observations and recommendations

69. The Secretary-General expresses deep condolences to the families of United Nations personnel and humanitarian personnel, as well as humanitarian aid workers, who lost their lives while delivering life-saving operations to people who are vulnerable and in danger. The Secretary-General condemns in the strongest terms all forms of crime and violence against United Nations personnel, premises and assets. The safety and security of United Nations personnel remains an all-time priority of the Organization. It needs to be supported through multidimensional approaches and innovative thinking.

70. The United Nations is now continuously engaged in a world where the security environment is increasingly complex, dangerous and unpredictable.

Conflict and violence remain the primary causes for increased chaos and human suffering, which calls for sustained United Nations interventions. The Organization has been called upon to deliver mandates and programmes throughout the world, including in highly dangerous areas where security and protection for personnel are required more than ever. This call presents an unprecedented challenge for the Organization, which has a mandate to stay and deliver, but creates pressure on existing resources to address unmet demand.

71. The Secretary-General calls upon Member States and host Governments to take robust actions to protect United Nations personnel, including by protecting the human rights, privileges and immunities enjoyed by United Nations personnel, complying with the relevant international conventions, ending impunity and bringing perpetrators to justice.

72. Member States and host Governments are also urged to continuously protect humanitarian and medical personnel, as well as locally recruited personnel, and to make collective efforts to enhance their security and protection.

73. The Secretary-General also expresses his appreciation to Member States, partners and donors for their collaboration with the United Nations on security-related matters. Their continued support is most needed, in particular by providing sufficient funding to ensure that the Organization has the capacity to meet the increased security demands. In order to ensure that security services are delivered to maximum levels of effectiveness in the field, Member States' continued support is also requested for the integration of all Secretariat security resources under the authority of the Department of Safety and Security.

74. Lastly, the Secretary-General wishes to recommend that the General Assembly remain engaged in the issue of the safety and security of United Nations personnel and continue to provide support to the United Nations security management system.

Annex I

United Nations personnel affected by safety and security incidents

Category of safety and security incidents	2010	2011	2012	2013	2014	2015	2016 (first six months)
Fatalities resulting from acts of violence	5	26	19	18	15	23	5
Fatalities resulting from safety-related incidents	19	44	15	10	15	16	7
Injuries resulting from acts of violence	68	145	112	82	65	99	33
Injuries resulting from safety-related incidents	164	166	209	144	101	130	3
Abduction	12	21	31	17	6	21	2
Robbery	239	417	408	314	530	511	242
Residence break-in	35	20	31	23	37	72	41
Aggravated assault	64	31	44	35	104	81	40
Sexual assault	9	5	4	4	8	12	13
Burglary of residence	385	418	493	322	430	380	150
Intimidation	210	224	209	81	149	228	107
Harassment	17	46	52	27	146	177	67
Arrest and detention	211	195	165	138	128	69	39
Total	1 438	1 759	1 793	1 216	1 734	1 819	749

Annex II

Attacks on United Nations premises and official vehicles

<i>Category of security incidents</i>	<i>2014</i>	<i>2015</i>
Attacks on United Nations premises	9	35
Attacks on United Nations vehicles	45	155
Intrusion into United Nations premises	26	109
Total	80	299

Annex III

United Nations civilian personnel affected by security incidents in 2015

Category of security incidents	Number of personnel affected	Internationally recruited	Locally recruited	Male	Female	Number of countries	Circumstances of security incidents
Fatalities resulting from acts of violence	23	6	17	15	8	11	Armed conflict (4); terrorism (6); crime (13)
Fatalities resulting from safety-related incidents	16	2	14	12	4	12	Road traffic accident (15); other safety accident (1)
Injuries resulting from acts of violence	99	34	65	68	31	28	Armed conflict (5); terrorism (10); crime (75); civil unrest (9)
Injuries resulting from safety-related incidents	130	39	91	85	45	40	Road traffic accident (124); other safety accident (6)
Abduction ^a	21	8	13	19	2	5	All United Nations personnel but one were released
Robbery ^b	511	213	298	249	262	63	
Residence break-in ^c	72	37	35	44	28	14	
Aggravated assault ^d	81	25	56	51	30	37	
Sexual assault	12	7	5	4	8	7	
Burglary ^e	380	140	240	253	127	57	
Intimidation ^f	228	66	162	134	94	54	
Harassment ^g	177	72	105	109	68	31	
Arrest and detention ^h	69	4	65	64	5	14	
Total	1 819	653	1 166	1 107	712		

^a Act of restraint through the use or threat of force or through fraudulent persuasion, including hostage-taking involving demands as conditions for liberation, executed by non-State actors.

^b Act or instance of unlawfully taking property through the use of violence or threat of violence.

^c Unauthorized and forceful entry with intent to commit felony or crime aggravated by use of force and/or physical assault.

^d Unlawful act which places personnel, without consent, in fear of immediate bodily harm or battery.

^e Unauthorized and forceful entry with intent to commit felony or crime.

^f Act of making timid or fearful or of deterring by threats.

^g Act of systematic and/or continued, unwanted and annoying actions which serve no legitimate purpose, causing substantial emotional distress.

^h Acts executed by State actors.

Annex IV

Security incidents affecting personnel of non-governmental organizations, as reported to the Department of Safety and Security

Category of security incidents	Number of personnel affected		
	1 January 2013- 30 June 2014	1 January 2014- 30 June 2015	1 January 2015- 30 June 2016
Personnel who lost their lives as a result of acts of violence	44	92	41
Personnel injured as a result of acts of violence	"	84	82
Abducted personnel	99	167	47
Armed attacks on premises	"	43	23
Intrusion into premises	"	71	218
Armed attacks on vehicles	"	129	230
Lost vehicles	"	45	"
Other unspecified critical incidents (as recorded by the Department of Safety and Security in previous years)	90	"	"
Total	233	631	641

" Not previously recorded.

Annex V

Security incidents affecting area staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as reported to the Department of Safety and Security

Category of security incidents	Number of area staff affected		
	2014	2015	Mid-2016
Fatalities resulting from acts of violence	18	..	2
Fatalities resulting from safety-related incidents	..	..	..
Injuries resulting from acts of violence	52	15	3
Injuries resulting from safety-related incidents	3	6	..
Abduction	5	3	..
Robbery	15	9	5
Residence break-in	2	1	4
Aggravated assault	33	28	20
Sexual assault	1	2	1
Burglary of residence	2	..	..
Intimidation	39	75	40
Harassment	7	5	..
Arrest and detention	40	30	11
Missing personnel	1	..	1
Total	218	192	87